

Meeting Information

Date: 3/7/22

Location: Online - Zoom

Time: 7:00PM

Note Taker: Rachel Carballo

Meeting Type: Burkittsville Planning and Zoning Commission

Attendees: Jayme Marshall, Kevin Cromer, Rachel Carballo, Jillian Savage, Paul Goldstein, Jamee Robinson, Larry Hefner

Agenda Items, Decisions, and Details

Meeting called to order at 7:20pm

Motion to approve the minutes made by Jillian and seconded by Kevin.

Workshop minutes were tabled, they do not require approval. Jamee shared the workshop information with Kelly.

Zoning Administrator Report: Paul Goldstein

Commissioners will receive copies of the SMC application. They can reach out to Paul with any questions they have.

Larry Hefner Leads a Discussion

Commissioners must refrain from discussing a specific application at this time. Maryland's Open Meetings Act is a statute that requires local public bodies to hold their meetings in public, to give the public adequate notice of those meetings, and to allow the public to inspect meetings minutes. The Act permits public bodies to discuss some topics confidentially such as for legal advice, but it does not allow for closed discussions that have legal ramifications. The [Open Meetings Act Manual](#) is available online for review.

Under section 9.18 and 18.14, P&Z can approve or disapprove the preliminary plat, or approve it with modifications or under certain conditions. 18.15 - the adjoining property owners have to be notified by mail 15 days prior to the meeting and advertised 15 days prior to the meeting in Frederick County.

First staff gives their report, in writing, often shared in advance with applicant, you can require citizens to sign up in advance and allow certain time slots for them to speak. The applicant can have a chance to speak, as well.

We could table deciding if we require additional information to decide, but we would have to repeat the 15 day notice. We have to share with the applicant what information we would need to decide.

If the applicant feels we have not afforded them due process, they could appeal to the Burkittsville Board of Appeals and then the circuit court. Commissioners must comment or ask questions in the open meeting. Commissioners may only go to executive session if they have a specific legal question.

The developer is responsible for paying the cost and showing that it complies with the sections that require an engineer's report.

This plat is a preliminary plat, we can request certain changes and we can refer to the county for approval, if part of the property is outside of the Burkittsville boundaries.

The application is only asking for the subdivision of the house and farm land.

There is a specific section about street names. We need to see, if it addresses street numbering.

Address numbering must be run by the fire department and post office.

Commissioners can't make a decision based on personal opinions; rulings must be based on the ordinances, Comprehensive plan, and the master plan.

The April meeting will be in-person at SMHS.

We do not have to swear people in, but the session must be recorded on Zoom, or with some sort of a recording device that is available to the applicant/developer, so they can create a transcript of the meeting.

Larry is willing to attend the April meeting. Notice should give instructions on how to register for the meeting. Five minutes is a reasonable allotment for speaking time for citizens.

The Master plan and Comprehensive plan indicate that Burkittsville is not expecting any annexations in the future. These documents should be referenced when asking questions, making requesting, or issuing decisions. Commissioners should review these documents prior to the meeting and have them available during the meeting.

If P&Z desired a meeting in which a specific case could be discussed, without a decision being made, it must be open to the public and it must be advertised to members of the public.

Commissioners can reach out to Larry with legal questions that are not specific to cases. It has to be a specific question, like: "This section says this. If we do this, will it comply?" Commissioners can email Larry or ask questions through Paul Goldstein.

The conditions must be laid out before we approve the preliminary plat.

Paul will write a staff report where he suggests conditions and before we vote, we can decide if the conditions are appropriate. The conditions must be in line with the ordinances.

If the applicant rejects the conditions, they can appeal to the Board of Appeals. We can approve the preliminary plat if they agree to all conditions and they can submit the final plat with those conditions. If they don't agree, we will need the second hearing.

If P&Z feels it is necessary to push back the decision to May, it would be appropriate.

If P&Z denies an application or imposes a condition, we would be on sounder ground by saying this is an ordinance that you're not addressing and this is in the spirit of the comprehensive plan.

Open meetings act/sunshine – everything in MD government bodies should be transparent.

During the meeting we must adhere strictly to Robert's Rules.

Paul will communicate to South Mountain Creamery that P&Z would like to wait until May to meet.

P&Z will review the packet for substance and organize the process so that the hearing runs as effectively as possible. We will also review Paul's report prior to the hearing.

Jamee Robinson will be oriented to the SMC application history.

Paul will ask Larry if P&Z could collaborate to create a list of questions on the SMC application.

Additional Information

Discussion of the chicken ordinance was postponed.

Next P&Z Meeting: Monday, April 4, 2022 we will pick up on the agenda where we left off

May 2, 2022 at SMHS at 6pm – South Mountain Creamery Hearing

Jillian motioned to adjourn and Rachel seconded.

